

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Glenn A. Rouse, #263004,)	
)	C/A No. 6:11-0734-MBS-KFM
Petitioner,)	
)	
vs.)	
)	
Michael McCall, Warden of Perry)	ORDER
Correctional Institution,)	
)	
Respondent.)	
_____)	

On March 31, 2011, Petitioner Glenn A. Rouse filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Kevin F. McDonald for pretrial handling.

On April 23, 2011, the Magistrate Judge issued an order in which he instructed Petitioner to (1) pay the \$5.00 filing fee or complete and return Form AO240 (motion for leave to proceed in forma pauperis); and (2) answer and return the court's special interrogatories. Petitioner was advised that his failure to submit the items needed to bring the captioned case into proper form would result in dismissal of the case. On or about May 16, 2011, the court was advised that Petitioner had not complied with the proper form order. Accordingly, the case was dismissed without prejudice pursuant to Fed. R. Civ. P. 41 on May 17, 2011.

It appears that on or about May 9, 2011, Petitioner submitted a motion for leave to proceed in forma pauperis and answers to the court's interrogatories. However, the documents submitted by Petitioner inadvertently were not made a part of the court's electronic docket. It appears that

Petitioner has attempted to bring the case into proper form. The court therefore vacates its May 17, 2011 order and restores the case to the active docket. The case is recommitted to the Magistrate Judge for additional pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

August 16, 2011.